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Chair: Mr. Zelioli (Vice-Chair) ..... (Italy)

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In the absence of Mr. Haniff (Malaysia), Mr. Zelioli (Italy), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/66/87)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/66/156, 161, 203, 204, 216, 225, 253, 254, 262, 264, 265, 268-272, 274, 283-285, 289, 290, 293, 310, 314, 325, 330, 342 and Add.1, and 372)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/66/267, 322, 343, 358, 361, 365, 374 and 518; A/C.3/66/2)

1. **Mr. Ri** Tong Il (Democratic People's Republic of Korea) said that respect for national sovereignty was essential in dealing with human-rights issues, as the relevant laws and policies of the sovereign countries concerned guaranteed the human rights of people under their jurisdictions. The massive killings of innocent civilians in Afghanistan, Iraq and occupied Palestine were proof of the human-rights violations that resulted from infringements upon national sovereignty. Moreover, politicization, selectivity and double standards must be avoided in addressing human rights situations.

2. Politically motivated country-specific resolutions continued to be adopted, only aggravating confrontation and distrust. Western values could not be the only criterion for human rights in a diverse world, and using human-rights issues to topple the political systems chosen by the people of the targeted countries was itself a violation of human rights. Past human-rights violations must also be addressed. During its military occupation of Korea in the previous century, Japan had committed genocide and the unprecedented human-rights violation of forcing thousands of women from Korea and other Asian countries into sexual slavery as "comfort women". Japan should follow the precedent set by other nations with colonial histories and express sincere apologies and compensate its victims.

3. The people-centred concept of Juche, under which human rights were inviolable and sacrosanct, was the guiding principle of all State activities. His Government therefore spared no effort to ensure its people's exercise of their human rights, as demonstrated by its recent adoption of laws on the promotion of women's and children's rights the previous year and would continue to improve the human-rights situation, in fulfilment of its international obligations.

4. **Mr. Al-Obaidi** (Iraq) said that the Government of the new, post-Saddam Iraq attached the utmost importance to promoting human rights. Its actions to that end included adopting a national plan on human rights, taking into account all the recommendations made by countries in its universal periodic review the previous year, and implementing policies that fostered tolerance, multiculturalism and freedom of religion and belief. His Government also investigated and worked to rectify human-rights violations committed against minorities by terrorist groups, reporting them to specialized agencies. Areas that had been rendered unstable in previous years by terrorist activity from within and outside Iraq had recently been secured by the Government.

5. Iraqi legislation guaranteed freedom of thought, conscience, religion and belief and provided means of recourse in the event that those freedoms were infringed upon. No person under the jurisdiction of the Iraqi Government could lose their right to life, freedom or personal security or be tortured, arrested, arbitrarily detained or lose his job or housing because of his religion or belief. Any violations of those legal guarantees were prosecuted. Moreover, the Iraqi Government prohibited laws that encouraged religious hatred, discrimination or violence, and had established an endowment for Christianity and other religions to protect non-Muslims.

6. The new Iraq was working to fulfil its obligations under international human-rights covenants and treaties and bring national legislation into line with those instruments. Sectarian violence and terrorist attacks carried out by Al-Qaeda and other groups had undermined his Government's human-rights policy, hence its redoubled efforts to stem the tide of violence and the displacement of Iraqis of all walks of life. Iraq had tackled the ensuing displacement crisis by providing financial and food aid to the displaced, including Iraqis who had fled the country, in order to facilitate their return.

7. Measures adopted by Iraq to create a culture of human rights included the establishment of a national monitoring system to detect human-rights violations. A national policy of accountability and justice aimed to counter Saddamism, a vestige of the former, dictatorial regime that glorified the use of violence to solve problems and that, like Nazism, could not be extirpated overnight. His Government fully appreciated the support of the international community in rebuilding Iraq and establishing democratic institutions and would continue to strive to meet all its human rights obligations.

8. **Ms. Poussi** (Burkina Faso) said that human development required the State to take a proactive approach to promoting human rights. To that end, her Government had put in place several legislative and regulatory measures, policies and programmes in order to reinforce civil and political rights and to improve the exercise of economic, social and cultural rights. Significant gains had been made since the 2001 adoption of a national policy on human rights, though more remained to be done. That framework document would be revised and put into practice by an initial action plan for the years 2013 to 2015.

9. A number of measures had been taken to guarantee the right to non-discrimination and to equality before the law, particularly in the areas of the administration of justice, employment, health, education and civic participation in managing public affairs. Judicial reform was under way in the form of increases in the number of national areas of jurisdiction and legal officials, and review of texts on legal aid. Open houses on justice-related matters were held regularly to educate the public on legal institutions.

10. The rights to life and physical and moral integrity were also protected by a series of laws and regulations. Her country had signed the moratorium on the death penalty in 2007 and was working to abolish it altogether. A party to the Convention against Torture since 1999, Burkina Faso had ratified its Optional Protocol in 2010 and was in the process of establishing a national preventive mechanism. A national human-rights commission was authorized to visit detention centres and other locations to prevent torture and other cruel, inhuman or degrading treatment or punishment. Despite her Government's attempts to raise awareness of and combat the incidence of torture, prison overpopulation gave cause for major concern.

11. The plurality of the media in her country attested to Government efforts to create an environment conducive to exercise of the rights to information and freedom of expression. The State also funded the activities of political parties in order to facilitate their participation in public affairs and set quotas for female participation in elections and political life in general.

12. Despite its limited resources, her Government was working to ensure the enjoyment of economic, social and cultural rights by guaranteeing the regular payment of salaries and the right to work; providing national health coverage and enhanced medical care; allocating a fifth of the national budget to education and expanding academic offerings, including literacy education for non-traditional students. Poverty-reduction efforts had also been undertaken, under a national strategy on accelerated growth and sustainable development.

13. With regard to women's rights, Burkina Faso was working with civil society to promote income-generating activities involving women. The Government had also provided over 1 million children with birth certificates, with a view to ensuring their legal protection. Awareness-raising campaigns were under way to dispel negative perceptions of persons with disabilities, against whom discrimination persisted despite her country's accession to the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the passage of related national legislation. In closing, reiterating her delegation's commitment to the exercise of all human rights, she pointed out that Burkina Faso would welcome visits from the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

14. **Mr. Ferami** (Islamic Republic of Iran) said that the international community must consider religious and national specificities and cultural diversity in its efforts to counter the rapidly growing trends of racism, racial discrimination, xenophobia and related intolerance threatening some societies. It was regrettable that those phenomena were increasingly targeting Islam and Muslims in particular. Cultural rights should not provide the right to exacerbate differences, which could lead to violence; instead, they should serve to promote and celebrate cultural diversity, which was a condition for peace.

15. Despite repeated affirmations of the universality, indivisibility, interdependence and equality of all human rights, the existing international order was characterized by selectivity and economic and political exploitation. Political considerations should not affect the promotion and protection of human rights, especially as urgent situations in the Middle East and elsewhere called for action. The unilateral sanctions imposed by certain countries on developing countries, in contravention of international law, violated the latter's inalienable right to development and to choose their political, economic and social systems.

16. Such measures must cease immediately if the right to development was to be fully realized. With one-third of the world's population living in abject poverty and thus unable to exercise their basic human rights, the human-rights machinery must take up poverty alleviation as a central aim, and the brunt of that task should be borne by States that used the labour force and human resources of others. Unless the majority of the world's population was able to reap the benefits of globalization — as only a privileged few were currently doing — the freedom to live in dignity would remain a dream.

17. The Office of the High Commissioner for Human Rights should work in a wholly unbiased and independent manner, within the human-rights framework established by the Human Rights Council, the main United Nations human-rights body, avoiding insistence on human-rights standards that were not yet internationally recognized. The Islamic Republic of Iran had enjoyed a good working relationship with the Office and had initiated a number of human-rights dialogues with some countries, including States members of the Non-Aligned Movement and the Organization of Islamic Cooperation.

18. No improvement in human-rights situations would be brought about by naming and shaming specific countries or by adopting resolutions targeting them. However, as it had become an established practice to pin-point certain situations, he wished to draw attention to human-rights violations in some of the self-proclaimed "clean" countries of the world. Racism and racial discrimination continued to plague European and other Western countries, and Islamophobia was one of its manifestations, as evinced by the outrageous Qur'an-burning incident. Regrettably, some European Governments had not only failed to address Islamophobia, but had also imposed restrictions on Islamic cultural expression and spoken out against multiculturalism, thereby aggravating the existing anti-Muslim sentiment and the situation of their Muslim minorities.

19. The United States of America granted unconditional support to the Zionist regime and its crimes, and was responsible for various other crimes, including the killing of civilians by unmanned drone attacks, as noted by the Special Rapporteur on the promotion and protection of human rights while countering terrorism, establishing secret detention centres throughout the world and using inhumane interrogation methods on detainees.

20. For its part, the United Kingdom of Great Britain and Northern Ireland was responsible for human-rights violations within its territory and abroad, where its foreign policy had directly or indirectly flouted human-rights norms. According to reports from United Nations special procedures mandate-holders, Canada had violated the human rights of its own indigenous and other minorities, a fact all the more shocking given that country's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples. In the final analysis, improvements in human-rights situations would result not from words or resolutions, but instead from cooperation and development.

21. **Ms. Mballa Eyenga** (Cameroon) said that her Government would spare no effort in heeding the aspirations of its people where human rights were concerned, despite the difficulties besetting all States as a result of the global economic and financial crises, natural disasters and climate change. Effective ownership of human rights depended on human-rights education, which provided the best means of creating a culture of peace and thereby fostering sustainable development. In its ten years of existence, the Subregional Centre for Human Rights and Democracy in Central Africa had made a significant contribution to human rights education through its outreach activities, which had benefited Government officials and civil actors alike.

22. The Centre had helped build the capacity of national human-rights institutions in the subregion to function in accordance with the Paris Principles, in addition to increasing the engagement of several Central African countries with human-rights mechanisms and improving cooperation between Governments, civil society and the population of the

subregion. Cameroon's collaboration with the Centre had been particularly fruitful throughout the universal periodic review (UPR) process, over the course of which Cameroon had accepted 41 recommendations and adopted a road map and timeline for their implementation. The Centre had helped organize a briefing for Cameroon's technical and financial partners on actions taken by the country to implement the UPR.

23. The Centre must continue to receive the necessary financial and human resources to carry out its work and meet the needs of the region. Her country welcomed the appointment of Ms. Maarit Kohonen-Sheriff as head of the Centre in 2009 and hoped that additional high-level posts would be created. Lastly, she hailed the Centre's partnerships with United Nations agencies and subregional organizations, and expressed special thanks to Cameroon's development partners for their financial contributions to the Centre.

24. **Mr. Mnisi** (Swaziland) said that, as a developing country, Swaziland believed that the international community should pay more attention to economic, social and cultural rights such as the right to life, the right to food and the right to the highest attainable standard of physical and mental health. Human development and human rights should reinforce each other conceptually and in practice in order to secure the well-being and dignity of all people. A party to several core human-rights instruments, his country had enshrined the rights contained in those instruments and in the Universal Declaration on Human Rights in its Constitution. Furthermore, Swaziland was currently in the process of ratifying the Convention on the Rights of Persons with Disabilities.

25. Out of its respect for international law, the Charter of the United Nations and the sovereign equality of all States, his Government did not encourage the adoption or implementation of unilateral measures that were not in accordance with the international legal framework or with the norms and principles governing peaceful relations among States. Swaziland's recent participation in the universal periodic review mechanism of the Human Rights Council had provided an opportunity to assess the country's achievements and remaining challenges in promoting human rights, as well as to share best practices and continue improving the situation on the ground.

26. Noting with dismay the casting of undefined notions such as personal sexual preferences, interests and behaviours as new human rights whilst discrimination based on race, gender, religion, creed, age and disability persisted and required more attention, he stressed that such notions fell outside the internationally agreed human rights legal framework and constituted expressions of disregard for the universality of human rights. In light of the need to respect cultural diversity in respect of the Universal Declaration of Human Rights, special procedures mandate-holders should adhere to their respective mandates and the code of conduct adopted by the Human Rights Council.

27. **Mr. Le** Hoai Trung (Viet Nam) said that his country highly appreciated the role of the Human Rights Council as a forum to promote dialogue and cooperation. The promotion and protection of human rights were central to his Government's policy. After enduring severe trials in order to gain their independence and secure their basic civil and political rights, the Vietnamese people aspired to enjoy greater economic, social and cultural rights and an improved level of development.

28. Against that backdrop, comprehensive reforms undertaken over the previous 25 years had brought about economic growth, significant poverty reduction and social equity, thereby creating conditions conducive to the exercise of human rights in general. Efforts to strengthen the rule of law had led to improvements in the National Assembly and the legal system as well as to judicial and administrative reform of mechanisms mandated to protect the rights of the citizenry. Moreover, the previous two decades had witnessed a remarkable expansion in terms of freedom of the press and, more recently, in the use of information technology, with Viet Nam moving up ten levels in the International Telecommunication Union's Information and Communication Technology Development Index.

29. In terms of religious freedom, pursuit of belief was common in Viet Nam, as reflected by the large number of religions practised by its people. While a majority of Vietnamese practised Buddhism and Islam, Viet Nam had the largest number of Protestants and the second largest number of Catholics in the region. In the context of its international cooperation on human rights, his Government had submitted periodic reports to a number of treaty bodies, had received several

United Nations independent experts and was preparing for the visit of the Special Rapporteur on the right to health. As Chairman of the Association of Southeast Asian Nations (ASEAN) in 2010, Viet Nam had contributed to the work of the recently established ASEAN Intergovernmental Commission on Human Rights.

30. **Mr. Adoumasse** (Benin) said that his Government had recently adopted two bills that represented considerable advances in the protection and promotion of human rights in his country. The first abolished the death penalty, thus protecting the right to life, and the second sought to prevent and punish violence against women. Since its peaceful transition from a totalitarian regime to a democratic, pluralistic society, his country had been committed to democracy and promoting and protecting human rights and fundamental freedoms, as enshrined in its Constitution. Aware of the interdependence of all human rights, his Government sought to create an environment that was favourable to the economic, social and cultural rights of its people and to improve the living conditions of the Beninese people by guaranteeing them access to basic requirements, such as housing, health, food, clothing and education.

31. Despite the efforts of the international community, there remained much to be done to ensure that all individuals fully enjoyed all human rights. However, some Member States considered civil and political rights to be more important than economic, social and cultural rights, forgetting that democracy rested largely on meeting citizens' basic needs. Barriers had been created between the North and the South, Islam and Christianity, and, more seriously, between the people and their Government, with civil society as an intermediary. The culmination of that fruitless division would, sadly, be gender, with new concepts of sexual orientation and sexual identity — in short, undefined sexual rights which were not considered a priority. Meanwhile, the majority of the world's population lived in poverty.

32. The Human Rights Council had been established as result of the need to depoliticize the human rights machinery. His delegation reiterated its complete support for the Council and its attempts to ensure equality between sovereign States. He thanked the co-facilitators of the recent review of the Human Rights Council and called for the financing of the activities of the Council to be made a priority. His country had been elected to the Human Rights Council in May 2011 and would work with all the members to promote human rights around the world.

33. Although human rights education had advanced learning in the broadest possible sense, an education system based on utilitarian paradigms led to discrimination and marginalization. Human rights training, on the other hand, was a process built on the accumulation of knowledge and experience through activities that shaped attitudes and behaviour. It had a number of advantages, including a holistic approach that treated economic, social and cultural rights with the same importance as civil and political rights, and allowed for the specific cultural and religious characteristics of the community to be used to realize universal principles. His Government had initiated a human rights training process to reinforce human rights education to accelerate the dissemination and appropriation of the fundamental human rights principles. The primary goal was to train responsible citizens who were aware of their rights and obligations to their community.

34. **Mr. Acharya** (Nepal) said that his Government was committed to protecting the life, liberty and property of its people through social inclusion, the rule of law, the independence of the judiciary and the elimination of all forms of discrimination, as well as by ensuring inclusive enjoyment of their economic and social rights. Nepal's universal periodic review report had been considered by the Human Rights Council in 2011. In that connection, he stressed that the principles and guidelines adopted by the Council in connection with the review should be applied to all members fairly, objectively and uniformly.

35. Nepal was a party to 22 international human rights instruments, including the six core instruments. It had incorporated their provisions into its 2007 interim Constitution, which established the right to liberty, equality, justice, education, culture, property, social justice, information, publication, broadcasting, the press and privacy, as well as labour, employment, social security, environmental and health rights, the rights of women and the rights of the child. It also included guarantees against exploitation, torture, discrimination on grounds of race or social status and exile and, most importantly, it guaranteed the right to constitutional remedy. The Nepalese Constituent Assembly, elected in 2008 after the signing of the 2006 Comprehensive Peace Accord, acted as the nation's

parliament pending the adoption of a new constitution. It had adopted a three-year national human rights action plan and established the necessary policy framework and institutional mechanisms.

36. He called on the international community to translate the Declaration on the Right to Development into reality by eradicating poverty with a view to ensuring the inclusive, participatory development of all peoples. His Government had adopted a rights-based approach to development in order to emphasize the mutually reinforcing relationship between human rights, democracy and development.

37. The National Human Rights Commission, a fully autonomous constitutional body with five regional and three subregional branches, investigated alleged human rights violations, monitored compliance with human rights treaties and made recommendations for the compensation of victims. The Government was committed to strengthening the Commission in order to increase its effectiveness. Nepal's independent judiciary was another safeguard of human rights and fundamental freedoms, and its independent media and civil society organizations played an important awareness-raising role.

38. The National Women's Commission, an autonomous body which conducted investigations and made recommendations, had submitted its combined fourth and fifth periodic reports to the Committee on the Elimination of Discrimination against Women in July 2011. The fact that women made up a third of the 601-member Constituent Assembly and that its Deputy Chairperson was a woman was proof of the Government's commitment to the political, economic and social empowerment of women, including through affirmative action and capacity-building. The national action plan for the effective implementation of Security Council resolutions 1325 (2000) and 1820 (2008) sought to ensure women's full, equal participation in the areas of peace, security and development.

39. The interim Constitution guaranteed the rights of children, including the right to an identity and to nurture, basic health care, social security and protection from physical, mental and other forms of exploitation with a special focus on conflict victims and displaced, vulnerable and street children. Nepal was a party to the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the Optional Protocols thereto, and its 1992 Children's Act incorporated most of the rights established in those instruments. The Government was also committed to protection and promotion of the rights of the State's indigenous minorities, including the Dalit community, and other marginalized groups. A national action plan on International Labour Organization Convention No. 169 (the Indigenous and Tribal Peoples Convention) was being finalized.

40. The international community must make serious efforts to protect the rights of migrant workers and their families; the growing number of incidents of xenophobia and intolerance were undermining the rights of those workers in various parts of the world. Lastly, the effective enjoyment of human rights and fundamental freedoms required not only national legislative and institutional frameworks, but the provision of adequate resources. As a least developed country, Nepal faced serious constraints in that regard and needed assistance from the international community.

41. **Mr. Núñez Mosquera** (Cuba) said that a peaceful future, with development and the full realization of all human rights for all could only be built on the basis of full cooperation, solidarity and mutual respect. Respect for and the defence of people's right to self-determination should be the cornerstone of the actions of the international community. Cultural and religious diversity and different political, economic and social systems were the most important source of wealth. Any attempt to subjugate that wealth by imposing the Northern countries' standards and models would constitute a serious violation of the essence of human rights.

42. The principles of universality, objectivity, impartiality and non-selectivity in the human rights approach continued to be absent from the statements and actions of some developed countries. While the Northern countries continued to be selective, the Southern countries would denounce not only the human rights violations of which they had been the victims at the hands of those Northern countries for centuries, but also all human rights violations that were committed in Northern countries and territories under their authority.

43. Liberty and democracy were not exclusively the heritage of developed countries. With the commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development and at a time

when the world was facing serious economic and food crises, it was increasingly important to ensure the right to development, without which peace and security in the world would not be possible and democracy would be mere fiction. The repeated desire to judge and stigmatize Southern peoples, with a disproportionate and contrived emphasis on civil and political rights only sought to consolidate the powerful countries' economic domination and cultural and ideological homogenization, facilitated by the monopolistic domination of the mass media, the manipulation of international agencies and the imperialist wars of occupation.

44. His country reiterated its readiness to cooperate and engage in dialogue on the issue of human rights on the basis of mutual respect and the norms of international law, particularly the purposes and principles of the Charter of the United Nations. It would continue its fight against manipulation and in favour of international cooperation on human rights. Actions to carry out special procedures should be restricted to the mandate concerned and respect the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, thus contributing to the development of cooperation and constructive dialogue between the experts and Member States. His delegation expressed its willingness to continue to cooperate with all special procedures of the Council on a non-discriminatory basis. Cuba was committed to defending genuine cooperation, mutual respect, truth, justice, universality, impartiality and non-selectivity in the human rights approach.

45. **Ms. Hernando** (Philippines) said that the Philippines had played an active role in the drafting of the Universal Declaration of Human Rights and that its Constitution made it State policy to value the dignity of every human person and guarantee full respect for human rights. The National Human Rights Action Plan 2009-2014, which sought to mainstream human rights standards into government plans, programmes and actions, served as a blueprint for implementation of the eight international human rights treaties to which the Philippines was a party and complemented a comprehensive domestic legal framework in that area.

46. The State's Magna Carta for Persons with Disabilities and Magna Carta of Women ensured implementation of the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women, respectively. Legislation prohibiting the death penalty had been adopted pursuant to the Second Optional Protocol to the International Covenant on Civil and Political Rights, and the Migrant Workers and Overseas Filipinos Act of 1995 had been expanded in order to strengthen bilateral and multilateral relations with host countries for the protection of overseas Filipino workers and provide them with free skills training and legal assistance with the filing of claims against abusive employers. Anti-illegal-recruitment programmes and a National Reintegration Center for Overseas Filipino Workers had also been established.

47. In a globalized world, national policies and actions had international repercussions. Full, effective implementation of human rights instruments could be achieved only when domestic efforts were complemented by bilateral, regional and international cooperation. Her Government was particularly concerned about the situation of migrants, especially migrant domestic workers, and their families. During the current global economic and financial crises, migrants were among the first to lose their jobs and, especially in the case of women and girls, were increasingly vulnerable to violence and trafficking.

48. Strengthened cooperation among Governments was vital in promoting and protecting the rights of migrants, combating human trafficking and eliminating violence against and exploitation of migrants, particularly women and girls. She therefore encouraged States to implement the Global Plan of Action to Combat Trafficking in Persons and to consider ratifying and enforcing instruments such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol).

49. She welcomed the report of the Secretary-General on the protection of migrants (A/66/253) and concurred with the latter's conclusions: States were obliged, under the core international human rights instruments, to protect the human rights of all individuals under their jurisdiction, regardless of their nationality or legal status, including migrants who were in an irregular situation; to protect the fundamental human rights of all migrants in the context of administrative detention

and to explore alternatives thereto; and to ensure that there were adequate protection mechanisms in place to protect the human rights of migrants. In that connection, her delegation was proud of its contribution to the adoption, on 16 June 2011, of International Labour Organization Convention No. 189 on Decent Work for Domestic Workers.

50. She hoped that there would be further discussion of the need to promote and protect the human rights of migrant workers at the second High-level Dialogue on International Migration and Development, to be held by the General Assembly in 2013, and in the work of international policy platforms such as the Global Forum on Migration and Development, which Switzerland would host in December 2011.

51. **Ms. AlRasheed** (Kuwait) said that her Government supported the Human Rights Council's proposal to raise awareness, promote dialogue between cultures and religions, and to take measures to combat intolerance and discrimination in order to consolidate the culture of peace based on respect for and promotion of human rights. The Government's attachment to the principles of human rights was based on conviction and a confirmation of Islamic belief, which reflected religious tolerance and a commitment to achieving fraternity, equality, peace and justice.

52. Her country was also committed to the principles of the Charter of the United Nations, including those affirming the importance of promoting the human rights and fundamental freedoms of the individual. Moreover, its Constitution sought to preserve and promote human rights, emphasizing the achievement of freedom, justice and equality for all, and granting citizens the right to expression, education and health care without discrimination based on origin, gender, language or religion.

53. Kuwait had joined the Human Rights Council in 2011 and was committed to consolidating the bonds of cooperation among Member States in order to realize human rights and fulfil their desired goals. Her Government renewed its commitment to condemning all practices and policies that infringed on the human rights, such as the right to self-determination, of the Palestinians in their occupied territories, rights which were being violated by the Israeli occupation forces in disregard of United Nations resolutions and recommendations. Noting the report submitted by the Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967 (A/66/358), she condemned all acts of violence committed by Israeli settlers, whose numbers had significantly increased in 2011.

54. **Ms. Loew** (Switzerland) recalled the vast movement of peaceful protests, particularly in the Arab world, where people were ready to risk their lives and face the excessive use of police force and politics of repression by their own Governments. In fact, that exercise of the fundamental and interdependent rights to freedom of expression, association and peaceful assembly had long been a common phenomenon worldwide and should be at the heart of every society. It was crucial to ensure the freedom of expression in society without fear of being harmed, harassed, detained, tortured or killed. Unfortunately, those rights were being violated to various extents in the world.

55. States had the primary responsibility to protect the fundamental freedoms of all persons participating in peaceful protests and to maintain a public space for dialogue and free expression, while guaranteeing individual freedoms. When taking public security considerations into account, States must not abuse states of emergency or violate international obligations or national legislation. Any restriction on fundamental freedoms must abide by the principles of legality and proportionality and be reduced to a minimum.

56. Peaceful protests were an occasion for Governments to address their root causes: inequality, discrimination, corruption, restrictions on effective participation in public life and other major social problems. Preventing human rights violations, particularly those committed in the context of peaceful protests, was a priority for the Swiss Government, as evidenced through its initiation of a recent panel discussion of the Human Rights Council. The human rights of journalists, human rights defenders and participants in the protests themselves must be protected.

57. **Mr. Chipaziwa** (Zimbabwe) said that his Government had set up institutions, legislation and policy frameworks to enhance the promotion of human rights, to which it was firmly committed in the light of the human rights violations and denials of fundamental freedoms that the people of Zimbabwe had endured for almost a century. It had sought to balance its pursuit for civil and political rights and socio-economic rights through legislation seeking to enhance rights in the

areas of education, labour, health and women's and children's rights.

58. It was of great concern that civil and political rights had dominated discourse on human rights while economic, social and cultural rights were being deliberately sidelined. His Government rejected that selective approach, which was very detrimental to the human rights edifice. All human rights were equal, indivisible and mutually reinforcing, and it was time for the United Nations to enhance its recognition of the long-neglected economic and social rights. The protection of human rights was the primary responsibility of Governments. Other countries and non-State actors might offer constructive assistance and recommendations through dialogue, but without divisive double standards and unwarranted politicization of the issues. They should respect the sovereignty, territorial integrity and political independence of States, as well as the political, historical and cultural particularities of each country.

59. His Government rejected the attempts by some Powers to elevate human rights above those principles to serve their own interests, using strategies based on unilateralism, military force, sanctions, name-calling and shaming through public criticism to promote their political agendas in targeted countries. The use of military force to enforce human rights was a dangerous form of human rights imperialism that fostered the promotion of human rights mechanisms contrary to the founding principles and objectives of the United Nations system. Double standards and hypocrisy in that regard must be eschewed.

60. His country was also concerned over the increasing promotion of human rights concepts that were incompatible with international norms and practices or the cultural realities in different societies and absent from the Universal Declaration of Human Rights and other human rights instruments, such as those relating to sexual orientation and gender identity. While his Government condemned discrimination or harm against persons in that respect, it was of concern that certain countries were trying to force the United Nations and Governments to devote more effort and resources in promoting such issues, which were private matters.

61. **Mr. Hoxha** (Albania) said that human rights and support for the United Nations and international law — and the principles of democracy, fundamental freedoms and the rule of law — were a core aspect of his Government's domestic and foreign policy. The statement made the previous day by the representative of Serbia, which referred to events dating back to 1999, contained false accusations, baseless allegations, distortions of truth and flawed conclusions. According to that statement, Kosovo's problems had begun in 1999, when Serbian domination in Kosovo had come to an end. The reality was that United Nations bodies had been adopting a range of documents, including General Assembly resolutions, on the serious human rights situation in Kosovo since 1992. In an act of genocide and ethnic cleansing by the Serbian regime, more than 11,000 Kosovars had been brutally murdered by Serbian security forces in 1999, and 1 million others had been forced to flee to other countries within a week.

62. The General Assembly had welcomed the advisory opinion of International Court of Justice, which stated that the Kosovo declaration of independence did not violate general international law, an opinion that he hoped Serbia would ultimately accept and respect. The Serbian representative's focus on allegations of organ trafficking and other crimes committed by Kosovo Albanians had already been investigated and dropped by the International Criminal Tribunal for the Former Yugoslavia. The same allegations were also set forth in a report that had been presented to the Council of Europe's Parliamentary Assembly, which had adopted a resolution calling for a new investigation. Although his Government had voted in favour of the resolution, convinced that the truth was the only remedy, that report and its allegations of heinous crimes was unacceptable and did not reflect reality.

63. Lastly, he invited the Government of Serbia to fully cooperate in finding and returning the remains of 1,500 Albanians who had gone missing in Serbian territory and stressed that the technical dialogue between the Republic of Kosovo and Serbia, being brokered by the European Union must resume as it was important for stability and regional cooperation.

64. **Ms. Sabja Daza** (Plurinational State of Bolivia) said that the fundamental rights of all Bolivians were guaranteed in the country's new Constitution, which was based on the principles of universality, non-selectivity, impartiality and objectivity. Against the backdrop of the democratic change unfolding there, her Government had prepared a national action plan on

human rights, which adopted a holistic and community approach to combating discrimination and social exclusion. That approach was based on the concept of living well, in direct contrast to the currently dominant development model in the world, which was based on capitalist accumulation.

65. While her Government had made great strides towards fulfilling its human rights obligations under international law, expressions of discrimination and racism could still be found in the country. She thus urged the international community to join her Government's efforts in tackling such obstacles and called for solidarity and cooperation between nations and cultures to promote rights. To ensure the crucial human right of safe drinking water and sanitation, her Government called for renewed political commitment and cooperation from all countries.

66. With regard to continuing obstacles to the promotion of human rights globally, she noted that the United Nations had been manipulated into authorizing military operations in Libya, allegedly in the interest of protecting human rights and with the involvement of the North Atlantic Treaty Organization, and had given a group of armed insurgents the credentials to represent the Libyan people, even though they had not been elected. That must not be allowed to recur. Her Government hoped that Libya would experience a true democratic spring and that Colonel Qadhafi's murderers would be tried and punished in accordance with the rule of law.

67. **Ms. Tadesse** (Ethiopia) said that her country had undertaken far-reaching measures to advance the full enjoyment of human rights and fundamental freedoms in the last 20 years. Its 1995 Constitution recognized almost all of the key human rights and fundamental freedoms laid down in the relevant international and regional human rights instruments. It also had provisions for the fulfilment of the rights set out in the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and included specific provisions protecting the rights of women and children, particularly as regards harmful traditional practices. Moreover, a number of laws had been enacted with a view to monitoring the conduct of law enforcement officials.

68. Her Government had completed and submitted overdue reports under key international and regional human rights instruments, including the Conventions on the Elimination of All Forms of Discrimination against Women and on the Rights of the Child. Moreover, it had undergone a very successful assessment of its human rights performance under the universal periodic review and was taking every effort to implement the recommendations from that review accordingly.

69. Despite that progress, more needed to be done. Human rights had frequently served as a cover for promoting other agendas of certain countries, regional organizations and activists. Such politicization and double standards undermined the promotion of human rights. While she acknowledged that her Government could do more to consolidate respect for human rights, it did not introduce legislation for other purposes — such as for combating terrorism — as an instrument to undermine democracy and the rule of law, or to suppress the human rights of its people.

70. **Ms. Touzenis** (International Organization for Migration (IOM)) said that all migrants, regardless of their status, were entitled to enjoy all human rights without discrimination. The criminalization of irregular migration weakened the human rights protection of migrants and created an atmosphere which led to xenophobic abuses and violence. Likewise, the administrative detention of migrants should be an option of last resort for States, and further efforts must be made in that regard, including providing access to judicial review and redress. Employment rights such as those relating to a minimum wage and workplace safety must be granted regardless of immigration status, and the children of migrants should have access to education on a non-discriminatory basis.

71. She welcomed the recommendations made in the report of the Secretary-General on protection of migrants (A/66/253). Migrant domestic workers, often women, worked in gender-segregated sectors involving care of the home, children or the elderly. The unregulated and informal nature of such work and their limited access to support networks offered such workers little protection from possible exploitation or abuse. In all such cases, States were obliged not only to avoid discrimination but also to fulfil their positive obligations to eliminate all instances of it, such as through appropriate legislation or workplace inspection programmes. Lastly, steps must be taken to guarantee migrant workers' rights of access to health and housing, without discrimination.

72. **Mr. Motter** (Inter-Parliamentary Union (IPU)) said that a recent meeting of the IPU Committee on the Human Rights of Parliamentarians, which had examined the situation of 392 parliamentarians in 39 countries, had revealed that members of parliament were under threat in many parts of the world and that speaking out entailed a degree of risk, as there had been a number of cases of murder, torture, death threats and attempts on their lives. Impunity was also a major concern.

73. Strengthening the role of parliaments in the implementation of international human rights norms hinged on how well parliaments ensured that reporting procedures — in the Human Rights Council and United Nations treaty bodies — were connected to national realities. Parliaments could take a leading role in that respect, such as by reviewing draft reports, attending presentations of their country's reports and ensuring serious debate on recommendations in that context, to help ensure that Governments were held accountable for their human rights performance.

74. To address the lack of adequate preparation of national reports and awareness of the recommendations and concluding observations that United Nations bodies adopted on country situations, his organization had become increasingly involved in helping parliaments to make a more substantive contribution to the international human rights monitoring system, particularly by assisting them with the implementation of international recommendations at the national level.

75. **Mr. Fiallo** (Ecuador) said that his Government's major efforts to promote and protect human rights were evident, for example in its 2008 Constitution. Its national plan for development and for "living well" had reinforced Ecuador's institutional mechanisms for the protection of the rights of migrants. The Government promoted the concept of universal citizenship and had invested significant resources towards the protection of refugees living in Ecuador. It had also implemented mechanisms to enable the return of Ecuadorian migrants who had left the country during the economic and financial crisis resulting from abuses based on capitalist doctrines. He urged Member States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

76. Despite the global financial and economic crisis, his Government had continued to invest in policies promoting social development. It had set up a human rights justice mechanism in 2007 to incorporate human rights as a cross-cutting issue in public policies. Progress had been made in advancing, inter alia, the empowerment of women and the rights of children, peoples and nationalities, and the promotion and protection of ethnic plurality. The international community should strive to protect those individual and collective rights.

77. Human rights discourse was sometimes used to disguise certain violations of rights, as had been the case in Libya, where extrajudicial killings and indiscriminate bombings had taken place. Such actions should not be allowed to continue or to occur elsewhere. The Human Rights Council and universal periodic review were the appropriate mechanisms for enhancing the human rights situation in the world, in a spirit of cooperation and free of double standards.

78. **Mr. Makriyiannis** (Cyprus), speaking in exercise of the right of reply, said, in response to the statement made the previous day by the representative of Turkey, that the Government of Turkey had made false accusations and distorted historical facts in an effort to divert attention from its responsibility for the grave human rights abuses that it continued to perpetrate in Cyprus. He noted that numerous General Assembly and Security Council resolutions had condemned the 1974 Turkish invasion and continuing military occupation of Cyprus, as had decisions of other bodies such as the European Court of Human Rights and European Parliament.

79. Turkish-Cypriots were far from isolated since, as full citizens of Cyprus, they enjoyed the same rights as all other European citizens. More than 95 per cent of that population had renewed their Cypriot passports in recent years, enabling them to move, work, study and settle freely anywhere in the Union, and to travel and enjoy other privileges including consular and diplomatic assistance worldwide. They could participate in sports and other activities, were employed in Cyprus-controlled areas irrespective of their residence, and, since 2003, as a confidence-building measure, they had received free medical care and social insurance in Government-controlled areas. They had benefited from significant funds earmarked for their economic development through the European Union.

80. In reality, the Turkish army continued to occupy a significant part of a sovereign country, in flagrant violation of the core values of the United Nations, denying hundreds of thousands of Cypriots their fundamental freedoms and rights. The Government of Turkey must respect United Nations resolutions, recall its troops and restore the human rights and dignity of all the people of Cyprus.

81. **Mr. Kodama** (Japan), speaking in exercise of the right of reply, said, in response to the statement by the representative of the Democratic People's Republic of Korea (DPRK), that Japan had been facing up to its past with sincerity and consistency since the Second World War. He drew attention to the Japan-DPRK Pyongyang Declaration of 17 September 2002, in which his Government recognized the damage and suffering caused to the people of Korea through its colonial rule in the past and expressed its deep remorse and heartfelt apology.

82. The figures cited in the statement made by the representative of the Democratic People's Republic of Korea were groundless. On the issue of property claims, under the Pyongyang Declaration, it had been agreed that all property claims arising from events prior to 14 August 1945 could be waived once the bilateral relationship between the two countries was normalized. His Government remained committed to the basic policy of normalizing relations set out in the Pyongyang Declaration and had been engaged in addressing those issues. He strongly urged the Democratic People's Republic of Korea to take action to resolve the outstanding issues of concern.

83. **Ms. Ivanović** (Serbia), speaking in exercise of the right of reply, said that all the references that the representative of Albania had made the previous day to the province of Kosovo and the investigation of crimes had been based on or quoted from a report on the investigation into the inhuman treatment of people and illicit trafficking in human organs in Kosovo, undertaken by the rapporteur of the Council of Europe Parliamentary Assembly, Mr. Dick Marty, and a report by the Special Rapporteur on extrajudicial, summary or arbitrary executions to the Human Rights Council (A/HRC/14/24/Add.9). Paragraphs 32 and 33 of the latter report indicated, inter alia, that investigations had been attempted by the International Criminal Tribunal for the Former Yugoslavia and other entities, including the Council of Europe and the European Union Rule of Law Mission in Kosovo (EULEX), but that none of the efforts to investigate had received meaningful cooperation from the Government of Albania.

84. **Mr. Elshakshuki** (Libya), speaking in exercise of the right of reply, said that comments made by certain delegations about his country were ill-founded and revealed ignorance about the sacrifice that the Libyan people had made, which was an insult to his country. The comments made by the delegation of the Plurinational State of Bolivia revealed a lack of understanding of the scale or effects of the more than 40 years of dictatorship in Libya, where ordinary citizens had been forced to take up arms. Any defense of Colonel Qadhafi was absurd.

85. **Mr. Ri** Tong Il (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the comments made by the representative of Japan had been regrettable, as that country continued to evade its responsibility for the crimes that it had committed against humanity. Its apology had merely been misleading lip service for the international community. The fact was that Japan had committed systematic and widespread crimes, including the sexual slavery of 200,000 comfort women. The Government of Japan should make a further apology and pay compensation to victims. His Government was willing to normalize relations once that of Japan was willing to mend its ways and abandon its current approach.

86. **Mr. Nina** (Albania), speaking in exercise of the right of reply, said that the allegations made by the representative of Serbia had been baseless. The Serbian Government's compliance with the requirements of the International Criminal Tribunal for the Former Yugoslavia after 16 years was insufficient, as the wounds inflicted by the Serbs still needed to be healed. Turning the page on the brutalities of the past and achieving long-lasting peace and reconciliation required not only that justice be done, but also that sincere apologies be made to the nations and families of the victims.

87. His Government extended its support to the Government of Kosovo for implementing and strengthening the rule of law and would never yield to criminals, parallel structures or individuals who cared only about their own interests. It also welcomed the support shown by other States and organizations, including the Organization of Islamic Cooperation (OIC) and the European Union. Serbia must allow the European Union Rule of Law Mission in Kosovo

(EULEX) to operate throughout Kosovo and abolish the separate parallel mechanisms in the north. Emphasizing the importance of moving towards a more integrated region, he noted that a range of common issues merited further cooperation, including that of the freedom of movement, which his Government had recently facilitated by lifting visa restrictions for Serbian citizens entering Albania.

88. His Government considered the report on the inhuman treatment of people and illicit trafficking in human organs in Kosovo and the heinous crimes that it alleged as pure speculation and unfounded accusations. It had been in the interest of truth that his Government had invited EULEX to investigate in full and in a transparent manner all aspects of those allegations involving any part of Albanian territory.

89. He drew attention to paragraph 34 of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/14/24/Add.9), which stated that, following the Rapporteur's visit to Albania in March 2010, the Minister for Foreign Affairs had stated that Albania had been willing to cooperate fully and transparently with investigations into the allegations of abuse and killings, a commitment which was a positive step.

90. **Mr. Kodama** (Japan) said that the characterization by the representative of the Democratic People's Republic of Korea of the apology made by the Prime Minister of Japan in the joint Pyongyang Declaration as lip service was unacceptable. It was also regrettable that the Democratic People's Republic of Korea had taken no action in response to the concerns of the international community.

91. **Mr. Ri** Tong Il (Democratic People's Republic of Korea) said that the remarks made by the representative of Japan had been another example of inferior moral quality. Many victims who had been used as comfort women had already passed away, and it was immoral for the Government of Japan to withhold compensation until after the victims died. That was in stark contrast to the example of other countries, and he urged Japan to follow their example. Crimes against humanity had no statutory limit, and Japan must take responsibility for its shameful actions in the past.

92. **Ms. Ivanović** (Serbia) said that the Albanian Government's intentions of providing full cooperation had not been forthcoming, as noted in paragraph 63 of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/17/28/Add.3). Furthermore, paragraph 65 of the report, referring to the allegations of organ trafficking, stated that reversing the onus of proof was entirely incompatible with the function of human rights fact-finding and with the Government's own responsibility to investigate, prosecute and punish.

93. **Mr. Nina** (Albania) said that suggestions that his Government was not cooperating were deceiving. The investigation currently under way both in Kosovo and in Albania was the only way to put an end to the propaganda spread against his Government, including in statements made by the delegation of Serbia at the previous and the current meeting. The fact was that neither the Governments of Albania or Kosovo, EULEX nor any other interested party had been provided with any proof of the allegations, which remained a form of propaganda intended to destabilize Kosovo hinder its continued progress and stabilization and, above all, undermine its growing recognition by the international community. The ongoing events in northern Kosovo, including the blockades and confrontation, were clearly part of the Serbian Government's aim to achieve the forceful partition of Kosovo. It seemed that some in Serbia's political class had failed to learn from their own history and that of the Balkans. He called for cooperation and goodwill on the part of all parties concerned.

The meeting rose at 1 p.m.